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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,838	09/12/2001	D. Keith Jones	8S08.1-162	8157

23506 7590 05/16/2003

GARDNER GROFF, P.C.  
PAPER MILL VILLAGE, BUILDING 23  
600 VILLAGE TRACE  
SUITE 300  
MARIETTA, GA 30067

EXAMINER
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CHIN SHUE, ALVIN C

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 05/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/954,838	JONES, D. KEITH <i>ES</i>
	<b>Examiner</b>	<b>Art Unit</b>
	Alvin C. Chin-Shue	3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 10 February 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 9-11, 13-18 and 21 is/are pending in the application.
  - 4a) Of the above claim(s) 21 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 9-11 and 13-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

*13 C/Marbur*  
Claims 9,13-16, and 18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Wagner, Kleine, or Ostrobrod in view of Knots, Ascherin, or Krammerer. Wagner, Kleine, and Ostrobrod (in the background of the invention, column 1, lines 19-32) all show the claimed system with the exception of the prusik hitch. Knots (page 7, Prusik hitches), Ascherin at 90, and Krammerer (background of the invention) all teach the use of Prusik hitches as a safety rope grab. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Wagner, Kleine, or Ostrobrod (background) with a Prusik hitch, in lieu of their rope grabs by to enable an inexpensive safety device, or the substituted use of one known functionally equivalent element for another. *Canson* The claimed method would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the modified systems of Wagner, Kleine, or Ostrobrod.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner, Kleine, or Ostrobrod in view of Knots, Ascherin, or Krammerer, as

applied to claim 9 above, and further in view of Van Patten. Van Patten shows a line with a clip 14 forming a loop for anchoring the line. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the rope lines of Wagner, Kleine, or Ostrobrod with a clip to form a loop for anchoring their lines.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner, Kleine, or Ostrobrod in view of Knots, Ascherin, or Krammerer, as applied to claim 9 above, and further in view of Crawford. Crawford shows a multi-point harness. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Wagner, Kleine, or Ostrobrod with a multi-point harness to enhance distribution of the load of a user to the harness.

Newly submitted claim 21 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the originally presented claims were not directed the combination of a platform and safety system, which requires a different classification and search.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 21 has been

withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 703-308-2475. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-3008-1113.



Alvin C. Chin-Shue  
Primary Examiner  
Art Unit 3634